

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-111-D

NADIA ARLETTE PHILLIPS,)
)
)
Plaintiff,)
)
)
v.)
)
THE STATE OF NORTH CAROLINA,)
10th JUDICIAL DISTRICT, CRIMINAL)
COURTS, District Attorney, et al.,)
)
)
Defendants.)

ORDER

On March 19, 2019, Nadia Arlette Phillips, (“Phillips” or “plaintiff”), appearing pro se, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On April 26, 2019, the court referred the motion to Magistrate Judge Gates for frivolity review [D.E. 6]. On March 24, 2020, Judge Gates issued a comprehensive Memorandum and Recommendation (“M&R”) and recommended this court grant Phillips’s application to proceed in forma pauperis and dismiss Phillips’s complaint for lack of subject-matter jurisdiction [D.E. 7]. Phillips did not object to the M&R.

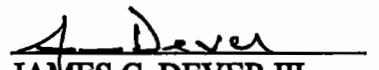
“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond,

416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. See Diamond, 416 F.3d at 315. Thus, the court adopts the conclusion in the M&R that the court lacks subject-matter jurisdiction and dismisses the complaint as frivolous.

In sum, the court GRANTS plaintiff’s application to proceed in forma pauperis [D.E. 1], ADOPTS the conclusions in the M&R [D.E. 7], and DISMISSES plaintiff’s complaint for lack of subject-matter jurisdiction. The clerk shall close the case.

SO ORDERED. This 5 day of May 2020.



JAMES C. DEVER III
United States District Judge